

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

Attorney Docket No.	144002-2001
First Inventor	Douglas T. Dieterich
Title	Method of Treating Anemia Caused by Ribavirin Treatment of Hepatitis C Using Erythropoietin Alpha
Express Mail Label No.	EL742694863US

(Only for new nonprovisional applications under 37 CFR 1.53(b))

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

**ADDRESS TO:**Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 35]  
(preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix.
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 19]
5. ☒ Oath or Declaration [Total Pages 2]
- ☒ Unexecuted (original or copy)
- ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76.

7. ☐ CD-ROM or CD-R in duplicate, large table  
or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
- a. ☐ Computer Readable Form (CFR)
- b. Specification sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document) (3 pages)
10. ☐ 37 CFR 3.73(b) Statement
- ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure  
Statement (IDS)/PTO-1449
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i).  
Applicant must attach from PTO/SB/35 or its equivalent.
17. ☐ Other: Claim of Priority

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

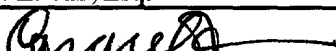
☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_/  
Prior application information: Examiner: \_\_\_\_ Group/Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

☒ Customer Number or Bar Code Label 20999 (Insert Customer No. or Attach bar code label here) or ☐ Correspondence address below

Name **FROMMER, LAWRENCE & HAUG LLP**

Name (Print/Type)	Grace L. Pan, Esq.	Registration No. (Attorney/Agent)	39,440
Signature		Date	May 21, 2001

# FEE TRANSMITTAL

Patent fees are subject to annual revision on October 1.  
These are the fees effective October 1, 2000.  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

## Complete if Known

TOTAL AMOUNT OF PAYMENT

(\$)

Application Number

Not Yet Known

Filing Date

May 21, 2001

First Named Inventor

Douglas T. Dieterich

Examiner Name

Not Yet Known

Group/Art Unit

Not Yet Known

Attorney Docket No.

144002-2001

## METHOD OF PAYMENT

1. ☐

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Frommer Lawrence & Haug LLP

Deposit Account Name

Deposit Account Number

50-0320

☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance

2. ☒ Payment Enclosed

☒ Check

☐ Money Order

☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	355.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1)					\$355.00

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claim	Fee from below	Fee Paid
16	-20** = 0	9	0
Ind. Claims	-3** = 5	40	200.00
Multiple Dependent		0	0

\*\* or number previously paid, if greater; for reissues, see below

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	130	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent
107	490	207	245	Plant filing fee
SUBTOTAL (2)				\$200.00

## FEE CALCULATION

### 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205		Surcharge - late filing fee or oath	0
127	50	227	25	Surcharge - late provisional filing fee or Cover sheet	0
139	130	139	130	Non-English specification	0
147	2,520	147	2,520	For filing a request of reexamination	0
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	0
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	0
115	110	215	55	Extension for reply within first month	0
116	390	216	195	Extension for reply within second month	0
117	890	217	445	Extension for reply within third month	0
118	1,390	218	695	Extension for reply within fourth Month	0
128	1,890	228	945	Extension for reply within fifth month	0
119	310	219	160	Notice of Appeal	0
120	310	220	155	Filing a brief in support of an appeal	0
121	270	221	135	Request for oral hearing	0
138	1,510	138	1,510	Petition to institute a public use Proceeding	0
140	110	240	55	Petition to revive - unavoidable	0
141	1,240	241	620	Petition to revive- unintentional	0
142	1,240	242	620	Utility issue fee (or reissue)	0
143	440	243	220	Design issue fee	0
144	600	244	300	Plant issue fee	0
122	130	122	130	Petitions to the Commissioner	0
123	50	123	50	Petitions related to provisional Applications	0
126	240	126	240	Submission of Information Disclosure Statement	0
581	40	581	40	Recording each patent assignment per property (times number of properties)	0
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	0
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	0
Other fee (specify)					0
Other fee (specify)					0
SUBTOTAL (3)					\$0

\* Reduced by Basic Filing Fee

## SUBMITTED BY

Typed or Printed Name

Grace L. Pan, Esq.

Signature

*Grace L. Pan*

Date

5/21/01

## Complete (if applicable)

Reg. Number

39,440

Deposit Account

50-0320

**CERTIFICATE OF MAILING - SEPARATE PAPER - PATENT APPLICATION**

Attorney Docket No. : 144002-2001

Title : **Method of Treating Anemia Caused by Ribavirin Treatment of Hepatitis C Using Erythropoietin Alpha**

Filed : May 21, 2001

Applicants : Douglas T. Dieterich

Mailed: Via Express Mail Label # EL74269463US

I hereby certify that the Patent Application for the above-referenced application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

BOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Maria Ciaccio  
(Typed/printed name of person mailing paper or fee)

Maria Ciaccio  
Signature

09862404 052101  
T01250 10429860

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICATION FOR LETTERS PATENT**

TITLE: Method of Treating Anemia Caused by Ribavirin Treatment of Hepatitis C  
Using Erythropoietin Alpha

INVENTOR: Douglas T. Dieterich

- 26 Pages Specification
- 16 Claims (pages 33 to 34, including 8 independent claims)
- 19 Figures (19 sheets) (Figs. 1 , 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11, 2.12, 2.13, 2.14, 2.15, 2.16, 2.17 and 2.18)
- 1 Page Abstract (p. 35)

**EXPRESS MAIL**

Mailing Label Number: EL742694863US

Date of Deposit: May 21, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, DC 20231.

MARIA CIACCIA  
(Typed or printed name of person mailing paper or fee)

Maria Ciaccia  
(Signature of person mailing paper or fee)

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